

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court  
Southern District of Texas  
FILED

APR 20 2017

David J. Bradley, Clerk of Court

United States of America

v.

James Kelly Hilton

Case No.

H17-0577M

Defendant(s)

**Sealed**Public and unofficial staff access  
to this instrument are  
prohibited by court order.**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 15, 2017 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2251(a) &(e)	Production of Child Pornography
18 USC 2252A(a)(5)(B)	Receipt of Child Pornography
18 USC 2252A	Possession of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

April 20, 2017

City and state:

Houston, Texas

Judge's signature

Frances H. Stacy, USMJ

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Robert J. Guerra, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation Task Force which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252A and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging James Kelly HILTON with violating 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) (receipt and possession of child pornography) and 18 U.S.C. § 2251(a) & (e) (Production of child pornography).
3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.

4. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) (receipt and possession of child pornography) on or about April 14, 2017, and 18 U.S.C. § 2251(a) & (e) (Production of child pornography) on or about February 10, 2017, has been committed by James Kelly HILTON. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. On April 15, 2017, Investigator Jeffrey Epley, Choctaw County Sheriff's Office, located in Hugo, Oklahoma, interviewed Misty Bardin. Bardin advised Epley that on April 14, 2017, Bardin was doing laundry for her husband, James Kelly HILTON, at their residence located in Spring, Texas, when she found a 32GB removable SD card. Bardin stated she placed the SD card in her phone and discovered it contained "a massive amount" of images depicting child pornography. Bardin stated upon finding these images she immediately left her home in Texas and drove to her mother's house located in Ft. Towson, Oklahoma.
6. Bardin stated she continued to look through the folders on the SD card and she came across images and videos depicting her husband, James Kelly HILTON, engaging in sexual acts with a minor victim relative (MV1). Bardin stated she viewed MV1 in approximately 2 videos and 7 to 10 images depicting child pornography. Bardin stated the images and videos showed MV1 engaged in poses where her genitals are exposed or showing an adult male, who Bardin identified as her husband, James Kelly HILTON, vaginally penetrating MV1 with his penis.
7. On April 15, 2017, a forensic interview was conducted with minor victim 1 (MV1) at the Choctaw County Sheriff's Office. During the interview, MV1 disclosed that she had been touched in her vagina and had been told not to tell anyone. After the disclosure, MV1 became closed and less

talkative and would not identify the person who had touched her. At this time, Investigator Epley was able to confirm that the small child depicted in the child pornography video shown to him by Bardin, was in fact MV1.

8. On April 17, 2017, SA Robert J. Guerra was contacted by the Houston Metro Internet Crimes Against Children Task Force in regards to the above captioned investigation. SA Guerra agreed to continue the investigation of the case due to the child pornography images and videos depicting MV1 being produced in the Southern District of Texas.
9. On April 18, 2017, SA Guerra received the SD card via FedEx from the Choctaw County Sheriff's Office. A search warrant was obtained for said SD card on April 19, 2017, and SA Guerra was able to complete a review of the items contained on the SD Card. SA Guerra found approximately 9 images of child pornography depicting MV1 produced by HILTON. SA Guerra also found 1 video of child pornography depicting MV1, which was also produced by HILTON. Lastly, SA Guerra found approximately 981 image files and 5 video files depicting child pornography.
10. SA Guerra believes, based on his training and experience, that all of the files mentioned above are child pornography as defined in Title 18, United States Code, Section 2256. The content of 3 of the child pornography files depicting MV1, produced by HILTON, found on the SD Card are described as follows:

a. **Filename: IMG\_20170324\_122127.jpg**

**Description:** This is an image file depicting MV1, who appears to be under the age of 6, being anally penetrated by an adult male's penis. The adult male depicted in the image has been identified as John Kelly HILTON.

b. **Filename: IMG\_20170210\_001236.jpg**

**Description:** This is an image file depicting MV1, who appears to be under the age of 6, pulling her underwear to the side in order to expose her genitals, while an adult male's penis is placed on the child's vagina. The adult male depicted in the image has been identified as John Kelly HILTON.

**e. Filename:** VID\_20170324\_122141

**Description:** This is a video file that is over 30 seconds in length, depicting MV1, who appears to be under the age of 6, being vaginally penetrated by an adult male's penis. The adult male depicted in the image has been identified as John Kelly HILTON.

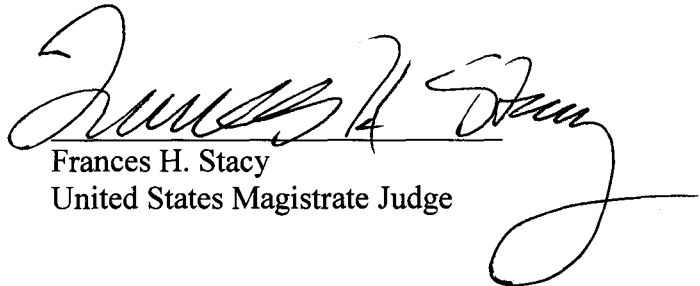
11. SA Guerra contacted Bardin, who confirmed all the information provided by the Choctaw County Sheriff's Office. Bardin also confirmed the child pornography images and videos depicting MV1 occurred at her residence located in Spring, Texas. Bardin stated she was absolutely positive the incident occurred in her home based on items seen in the background of the images and videos.
12. Bardin signed a Consent to Search form allowing SA Guerra and SA Ryan J. Shultz to enter and search her residence for the articles of clothing MV1 was wearing during the production the child pornography images and videos. SAs Guerra and Shultz were able to recover two dresses MV1 was seen wearing during the production of the child pornography images and videos. Agents were also able to identify the bed MV1 was sexually assaulted on during the production of the child pornography images and videos based off of the distinct color of the mattress as well as the unique patterns displayed on the mattress.

13. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging James Kelly HILTON with a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) (receipt and possession of child pornography) and 18 U.S.C. § 2251(a) & (e) (Production of child pornography).



Robert J. Guerra  
Special Agent, FBI

Subscribed and sworn before me this 20 of April 2017, and I find probable cause.



Frances H. Stacy  
United States Magistrate Judge